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AT DANVILLE, VA  
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MAY 09 2007  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JAMES A. BROWN, JR., )  
Plaintiff, ) Civil Action No. 7:07CV00144  
 )  
v. )  
 )  
 )  
GENE JOHNSON, )  
Defendants. ) ORDER  
 )  
 )  
 ) By: Hon. Jackson L. Kiser  
 ) Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

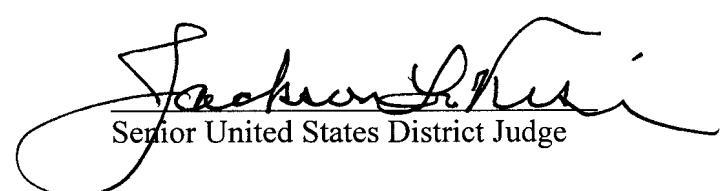
**ADJUDGED AND ORDERED**

as follows:

- (1) Plaintiff's petition shall be construed as a complaint pursuant to 42 U.S.C. § 1983.
- (2) Plaintiff's complaint shall be and hereby is **DISMISSED** and this action shall be stricken from the active docket of this court.
- (3) Plaintiff's motion for leave to proceed in forma pauperis shall be and hereby is **DENIED** as **MOOT**.

The Clerk of the Court is directed to send a certified copy of this Order and accompanying Memorandum Opinion to the plaintiff.

ENTER: This 9<sup>th</sup> day of May, 2007.



Jackson L. Kiser  
Senior United States District Judge